

### **REMARKS**

Applicant submits this Response in reply to the Final Office Action mailed March 2, 2006. Claims 1-8 and 10 are being canceled without prejudice. Applicant reserves the right to file these claims in another patent application. Claims 9 and 14-25 are being withdrawn without prejudice. Claims 28-32 are being added. Claims 11-13, 26 and 27 are being amended to overcome the §112 rejections below. No new matter is being added by way of this Amendment. For the reasons set forth below, Applicant respectfully submits that all rejections are overcome.

### **ELECTION/RESTRICTIONS**

Paragraph 2 of the Office Action at hand states, "This application contains claims 9 and 14-25 drawn to an invention nonelected without traverse in the response filed May 2, 2006." In response, Applicant have withdrawn Claims 9 and 14-25 without prejudice.

### **CLAIM REJECTIONS - 35 U.S.C. § 112**

Paragraphs 3-5 of the Office Action at hand reject Claims 1-8, 10-13, 26, and 27 under 35 U.S.C. §112, second paragraph. Applicant has cancelled rejected Claims 1-8 and 10. Since Claims 1-8 and 10 are cancelled, Applicant submits the rejection of Claims 1-8 and 10 under 35 U.S.C. §112, second paragraph is moot. Claims 13, 26, and 27 were rejected because of their dependency of Claim 1. Since Claims 13, 26, and 27 now depend from Claim 32, Applicant submits the rejection of Claims 13, 26, and 27 under 35 U.S.C. §112, second paragraph is also overcome.

Paragraph 6 of the Office Action at hand rejects Claims 13, 26, and 27 under 35 U.S.C. §112, second paragraph. In particular, Claims 13, 26, and 27 are said to be indefinite. In an effort to further prosecution, Applicant has amended Claims 13, 26, and 27 to more clearly and distinctly define the invention. Accordingly, Applicant submits that amended Claims 13, 26, and 27 now clearly and distinctly recite the invention set forth therein. Thus, Applicant rejection of Claims 13, 26, and 27 under 35 U.S.C. 112, paragraph 2 is overcome.

**CLAIM REJECTIONS - 35 U.S.C. § 102(b)**

Paragraphs 7-8 of the Office Action at hand reject Claims 1-5, 10-13, 26, and 27 under 35 U.S.C. 102(b) as being anticipated by Suga, et al. (U.S. Patent No. 5,530,030) hereinafter "Suga."

Claims 1-5 and 10 have been cancelled. Claims 11-13, 26, and 27 now depend from new Claim 32. Since the remaining claims have new dependencies, the rejection of Claims 1-5, 10-13, 26, and 27 under 35 U.S.C. 102(b) is moot.

Moreover, Applicant believes Suga does not anticipate either new base Claim 32 because Suga is directed to nematicides against pine wood nematodes containing chlorinated hydroxyl stilbenes.

Paragraphs 7-8 of the Office Action at hand reject Claims 1-7 under 35 U.S.C. 102(b) as being anticipated by Letcher, R.M. (Org. Magn. Reson., Vol. 16, No. 3, 1981, pages 220-223) hereinafter "Letcher."

Claims 1-7 have been cancelled. Since Claims 1-7 have been cancelled, the rejection of Claims 1-7 under 35 U.S.C. 102(b) is moot.

Moreover, Applicant believes Letcher does not anticipate new Claim 32. In particular, Letcher discloses stilbene derivatives used as reactants for preparing phenanthrene derivatives. Letcher does not, however, disclose any therapeutical activity for the disclosed derivatives.

Paragraph 10 of the Office Action at hand rejects Claims 1, 2, and 8 under 35 U.S.C. 102(b) as being anticipated by Moylan et al. (MCLC S&T, Section B: Nonlinear Optics, Vol. 8, No. 1, 1994, pages 69-78) hereinafter "Moylan."

Claims 1, 2, and 8 have been cancelled. Since Claims 1, 2, and 8 have been cancelled, the rejection of Claims 1, 2, and 8 under 35 U.S.C. 102(b) is moot.

Moreover, Applicant believes Moylan does not anticipate new Claim 32. In particular, Moylan relates to a hyperpolarizabilities of fluorinated 4-methoxy stilbenes. Moylan does not, however, teach any therapeutical activity for the fluorinated 4-methoxystilbenes, notably for 1,3-difluoro-5-[2-(4-methoxyphenyl)ethenyl]-(E).

**CLAIM REJECTIONS - 35 U.S.C. § 103(a)**

Paragraph 13 of the Office Action at hand rejects Claims 1-5, 10-13, 26, and 27 under 35 U.S.C. 103(a) as being unpatentable over Masahiko et al. (JP 51-136826) hereinafter "Masahiko."

Claims 1-5 and 10 have been cancelled. Claims 11-13, 26, and 27 now depend from new Claim 32. Since the remaining claims have new dependencies, the rejection of Claims 1-5, 10-13, 26, and 27 under 35 U.S.C. 103(a) is moot.

Moreover, Applicant believes Mashiko does not anticipate either new base Claim 32 because Mashiko relates to a plant growth regulator. In additional, Mashiko does not disclose pharmaceutical compositions.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that the rejections are overcome. Withdrawal of the pending rejections, and early and favorable reconsideration are respectfully solicited. In the event that a telephone conversation would further prosecute and/or expedite allowance, the Examiner is invited to contact the undersigned at (617) 310-6000.

Applicant does not believe that any additional fee is required in connection with this Response. However, should any extension or fee be required, Applicant hereby petitions for same and requests that such and any other fee required for timely consideration of this application be charged to Deposit Account No. 50-2678.

Respectfully submitted,

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